

DENVER POST
8 November 1981

National Attention Turning to Trial of Former Beret

BY HOWARD PANKRATZ

Denver Post Staff Writer

FORT COLLINS — Eugene Aloys Tafoya sat in the chamber of Judge J. Robert Miller and smiled as he was introduced to the prospective juror.

In recent days, such smiles have appeared increasingly on the face of Tafoya, a man being watched with interest not only by those living in this northern Colorado community of 68,000, but by observers from across the country.

Tafoya looks like a man who has done a lot of living in his 47 years. He walks confidently and when not wearing his glasses, he holds them in his hands like a college professor deep in thought.

Some of the prospective jurors, when asked by defense lawyer Walter Gerash, acknowledged that they recognized Tafoya from pictures they had seen in newspapers.

Others said they didn't recognize him.

The prospective jurors filed into Miller's chambers late last week because Tafoya's defense team — Gerash and Scott Robinson — wanted to know if the prospective jurors' exposure to stories in the media would influence their deliberations on allegations that Tafoya went to Libyan graduate student Faisal Zagallai's Fort Collins apartment specifically to kill him.

Gerash and Robinson also wanted to know whether the potential jurors had formed any opinion about the case because of discussions with their family or co-workers.

Most often, the potential jurors said, they had not.

In a number of cases, there was confusion among the potential jurors about what exactly did happen at Zagallai's apartment on Oct. 14, 1980.

Most of the prospective jurors knew that Tafoya is a former Green Beret. A few said they had heard he might have connections with the CIA.

And one potential juror, C.A. Adams, who works for the Post Office, said he remembered something about an alleged connection between Tafoya and purported CIA operations in Libya.

But Adams couldn't be more specific and said that kind of uncertainty is typical of what he hears among his fellow postal workers.

"People are confused about what is going on," he told Gerash. "The opinions are opinions of confusion."

So far, the jury panel hasn't been privy to the state's case against Tafoya, except to know that he is charged with attempted first-degree murder and conspiracy to commit first-degree murder. Tafoya has said he shot Zagallai in self-defense after Zagallai reached for a gun.

Opening arguments may come as early as Tuesday.

When the arguments are made, Larimer County District Attorney Stuart A. VanMeveren, or his assistant, Larry Abrahamson, is expected — on the basis of previous allegations in court files — to claim that Tafoya "was known as a hit man, a person available for hire to kill human beings, and that Tafoya had actually bragged about being a hit man in Truth or Consequences, N.M."

The prosecution also probably will say that in May 1980 it was learned that Zagallai, a critic of the official Libyan regime of Col. Moammar Khadafy, had been threatened by the Libyan government and was on a "hit list."

This was only weeks after Khadafy announced his policy of physical liquidation of his political enemies in Libya and abroad, the jury probably will be told. And the prosecutors probably will claim that as a result of this announced policy, "killings started on the 27th or 28th of February 1980."

Eight months later, about 5:15 p.m. on Oct. 13, 1980, Zagallai said he received a phone call from a

woman who talked to him about a job translating technical appliance manuals from English into Arabic for companies like IBM, Maytag or General Electric.

Zagallai said he and the woman agreed on a job interview for the next day, and it was Tafoya, posing as the job interviewer, who arrived at Zagallai's apartment and then shot him, authorities claim.

But Gerash, a shrewd lawyer who has won many tough cases, has indicated through various court comments that he may picture Tafoya as a patriotic, true-blue American who had to defend himself against a foreigner who was deeply involved in Middle East politics.

A highly-decorated American soldier, who was part of the elite Green Berets, Tafoya will present a startling contrast to Zagallai. Few of the prospective jurors know anything about Zagallai, other than that he is a Libyan and was shot while attending Colorado State University.

Gerash and Robinson have indicated that Zagallai will be a primary target of their defense. And they have hinted that although Zagallai claims to be an opponent of Libyan strongman Khadafy, who is at odds with the U.S. government — Zagallai may be much more pro-Khadafy than people realize.

In at least one interview, Tafoya has claimed that he was working for the CIA when he went to Zagallai's Fort Collins apartment. Tafoya has also claimed that Zagallai was not only pro-Khadafy, but informing on anti-Khadafy elements he had infiltrated. The former Green Beret has pictured himself as a messenger for the CIA, who met Zagallai simply to rough him up.

It still is unclear how deeply the case will delve into international affairs.

But it is evident that the Larimer County district attorney's office is prepared to call a series of CIA and FBI agents to rebut Tafoya's story and to link him with Libya and Khadafy's alleged policy of liquidation.